

**KENTUCKY COMMISSION
ON
SERVICES AND SUPPORTS
FOR INDIVIDUALS WITH INTELLECTUAL
AND OTHER DEVELOPMENTAL DISABILITIES**

**October 14, 2013
Fair Oaks, 4th Floor
Frankfort, Kentucky**

MEMBERS PRESENT

Deputy Secretary Eric Friedlander
Acting Commissioner Betsy Dunnigan
Incoming Commissioner Mary Begley
Deputy Commissioner Lisa Lee for
Commissioner Kissner
Pat Seybold
Dr. Harold Kleinert
Representative Jimmie Lee
Patty Dempsey
David Beach

Robert Ryan
James Chesser
Senator Tom Buford
Jeffery Rice
Christopher George
Missy McKiernan
Steve Shannon
Senator Julie Denton
Anne Montgomery
Peter Perry

MEMBERS ABSENT

Donald Putnam
Cathy Edwards
Brenda Hosford

Tammie Hollar
Melissa David

OPENING REMARKS

The meeting was opened by Deputy Secretary Friedlander who thanked the members of the Commission for their attendance and participation.

REVIEW OF PURPOSE FOR SPECIAL CALLED MEETING

Deputy Secretary Friedlander reviewed the purpose of this meeting of the Commission – to discuss the Michelle P. Waiver as a follow-up to concerns from the September 5, 2013 meeting.

Deputy Secretary Friedlander, Acting Commissioner Dunnigan, and Deputy Commissioner Lee reviewed the history of the Michelle P. Waiver. Included in the presentation were the following: the original purpose of the Michelle P. Waiver which was the provision of non-residential services for adults; eligibility criteria; the availability of 10,000 slots of which approximately 9,400 slots are filled; difficulty of assessing children with the current assessment tools which are adult assessments not endorsed nor norm-referenced for use with children; and the need to find

other more appropriate service delivery methods within the Department for Medicaid Services for children who may not meet the eligibility requirements. Representative Jimmie Lee noted that the Michelle P. Waiver was never originally intended to be a waiver for children but that over time many children have been accepted into the waiver program.

Deputy Commissioner Lee indicated that the Department for Medicaid Services is working to refine eligibility criteria to meet the intent of the program, while attempting to ensure that current participants are supported in the most appropriate program. The Department is looking at removing barriers to EPSDT services for children and redesigning the delivery system. It was emphasized that the EPSDT program is only a partial solution.

Deputy Secretary Friedlander noted that Care Wise Health used the form referenced in the regulation, MAP-351, as it is and applied an adult assessment to children to determine eligibility. Acting Commissioner Dunnigan announced that Department clinicians and other staff are researching more appropriate assessments to be utilized for children under age 18.

Peter Perry recommended that there is a need to address the process. The standard letter of denial is a form letter which provides no information on criteria and never references the individual. Deputy Secretary Friedlander agreed and asked Medicaid to work to revise the denial letters to reflect a more specific reason for denials.

Mr. Perry also questioned the credentials of those making decisions at Care Wise Health who are general practitioners with no experience in Developmental Disabilities. He referenced a 2008 report from Rutgers which places Kentucky as an outlier in determining eligibility, as 33 other states use staff knowledgeable of developmental disabilities to determine eligibility.

Discussion was held regarding the rate of denials and the reasons for denials. Deputy Secretary Friedlander noted that denials are being carefully reviewed. Discussions will continue to take place to locate appropriate programs for children and families. He assured the Commission members that the Cabinet will be asking the Commission for assistance in reviewing tools and information before final decisions are made. He then opened the floor to the audience for public comment.

PUBLIC COMMENTS

There were several public comments concerning Michelle P. Waiver. Members of the public attending the meeting made the following comments:

- A parent assured the Commission that the family was not using the Michelle P Waiver program as a convenience.
- A parent from Warren County noted that the Michelle P. Waiver program allowed them to gain critical services for her 13-year old. Lack of these services could have resulted in the lack of needed medications and respite for the family.
- Providers are not being paid if the denial goes to appeal and the appeal is not overturned, although program dictates that services will not be lost during the appeal process.

- Noted that if there is a lag in time in obtaining the prior authorization even though it is filed timely, the provider does not receive payment for services continued while awaiting prior authorization.
- Clarification requested regarding the reassessment process and appeal process (10 vs. 30 days)

MEETING AJOURNED

Next meeting to be held December 5, 2013 at 1:00 p.m.